

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/23/14

----- x  
MANUEL RODRIGUEZ, :

Plaintiff, :

-against- :

THE CITY OF NEW YORK, POLICE OFFICER :  
ANGEL GONZALEZ, POLICE OFFICER :  
VICTOR ENG, AND POLICE OFFICER JOHN :  
DOE, :

Defendants. :

----- x  
**ORDER OF DISMISSAL AND TO**  
**SHOW CAUSE**

10 Civ. 9330 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.: ----- x

Plaintiff filed his Complaint in this case on July 6, 2010. Defendants filed an Answer on September 13, 2011. The docket reflects no subsequent activity.

A district court may dismiss an action sua sponte for failure to prosecute. LeSane v. Hall's Sec. Analyst Inc., 239 F.3d 206, 209 (2d Cir. 2001); see Fed. R. Civ. P. 41(b).

Although dismissal is "a harsh remedy to be utilized only in extreme situations," United States ex rel. Drake v. Norden Sys., Inc., 375 F.3d 248, 254 (2d Cir. 2004) (quoting Minnette v. Time Warner, 997 F.2d 1023, 1027 (2d Cir. 1993)) (internal quotation marks omitted), "the authority to invoke it for failure to prosecute is vital to the efficient administration of judicial affairs and provides meaningful access for other prospective litigants to overcrowded courts." Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982).

In light of the absence of recent activity, I sua sponte dismiss this case, with the proviso that the case will be reopened if Plaintiffs show cause by October 22, 2014 why this action should not be dismissed for failure to prosecute.

The Clerk is directed to mark the case closed.

SO ORDERED.

Dated: September 23 2014  
New York, New York



ALVIN K. HELLERSTEIN  
United States District Judge